REMARKS

I. Status of Claims

Claims 1-14, 17-43, and 47-59 are now pending herein and subject to Examination.

In the present Amendment, claims 1, 34, 38, and 39 have been amended to recite that the at least one fluorescent dye is chosen from specific dyes of the formulae (F1) and (F3). Support for this amendment can be found in original claim 16, now cancelled, and in the originally filed specification. Claims 17 and 18 have been amended to correct dependency, and claims 15 and 16 have been cancelled without prejudice or disclaimer.

In addition, claim 40 has been amended to recite that the at least one fluorescent dye is chosen from specific dyes of formulae (F1), (F3), and (F4). Support for this amendment can be found in original claim 46, now cancelled, and in the originally filed specification. Claims 47-49 have been amended to correct dependency and claims 44-46 have been canceled without prejudice or disclaimer.

Applicants have not introduced any new matter by these amendments, nor are any estoppels intended thereby.

II. Rejections under § 103(a)

A. *Matsunaga* in view of *Pratt*

The Examiner has maintained the rejection of claims 1-14, 16, 19-21, 26-43, 46, and 50-59 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2001/0054206 to Matsunaga et al. ("*Matsunaga*") in view of U.S. Patent Application Publication No. 2003/0019052 to Pratt ("*Pratt*") for the reasons of record.

Final Office Action, page 2. Applicants respectfully disagree and traverse this rejection for the reasons of record and the following additional reasons.

Neither *Matsunaga* nor *Pratt*, alone or in combination, teaches or suggests the composition comprising, among other ingredients, the at least one fluorescent dye as recited in, for example, present claim 1 as currently amended.

Further, neither *Matsunaga* nor *Pratt*, alone or in combination, teaches or suggests the method for dyeing human keratin fibers with a lightening effect comprising applying to the keratin fibers a composition comprising, among other ingredients, the at least one fluorescent dye as recited in, for example, present claim 40. *Matsunaga* is silent with respect to the lightening effect. Although *Matsunaga* briefly refers to simultaneously bleaching and dyeing to obtain more "vivid" colors (*see* paragraph [0018]), this is not the same as lightening. Further, as discussed in the present specification, e.g., at paragraph [013], the use of bleach can degrade and impair keratin fibers, and thus the fact that the present inventors use fluorescent dyes to obtain lightening of color instead of using bleaching agents is one of the advantages of the present invention.

Therefore, as the Examiner has failed to establish a *prima facie* case of obviousness, Applicants respectfully request this rejection be withdrawn.

B. *Matsunaga* in view of *Pratt* and further in view of *Miyabe*

The Examiner has also maintained the rejection of claims 15 and 44 under 35 U.S.C. § 103(a) as being unpatentable over *Matsunaga* in view of *Pratt* and further in view of EP 1 142 559 to Miyabe et al. ("*Miyabe*") for the reasons of record. Final Office

Action, page 2. Applicants respectfully disagree and traverse this rejection for the reasons of record and the following additional reason.

Miyabe is merely relied on for its teaching of the direct dyes. *See id. Miyabe* does nothing to cure the deficiencies of the § 103(a) rejection over *Matsunaga* in view of *Pratt* as set forth above in subsection A. Therefore, this rejection is improper.

Accordingly, as the Examiner has failed to establish a *prima facie* case of obviousness, Applicants respectfully request this rejection be withdrawn.

C. *Matsunaga* in view of *Pratt* and further in view of *Vandenbossche*

The Examiner has also maintained the rejection of claims 22-24 under 35 U.S.C. § 103(a) as being unpatentable over *Matsunaga* in view of *Pratt* and further in view of U.S. Patent No. 6,391,062 to Vandenbossche et al. ("*Vandenbossche*") for the reasons of record. Final Office Action, page 2. Applicants respectfully disagree and traverse this rejection for the reasons of record and the following additional reason.

Vandenbossche is merely relied on for its teaching of the direct dyes. *See id. Vandenbossche* does nothing to cure the deficiencies of the § 103(a) rejection over *Matsunaga* in view of *Pratt* as set forth above in subsection A. Therefore, this rejection is improper.

Accordingly, as the Examiner has failed to establish a *prima facie* case of obviousness, Applicants respectfully request this rejection be withdrawn.

D. *Matsunaga* in view of *Pratt* and further in view of *Giuseppe*

The Examiner has further maintained the rejection of claim 25 under 35 U.S.C. § 103(a) as being unpatentable over *Matsunaga* in view of *Pratt* and further in view of U.S. Patent No. 5,744,127 to Giuseppe et al. ("*Giuseppe*") for the reasons of record.

Final Office Action, page 2. Applicants respectfully disagree and traverse this rejection for the reasons of record and the following additional reason.

Giuseppe is merely relied on for its teaching of a composition, which can be used as both a hair shampoo and a hair dyeing composition. *See id. Giuseppe* does nothing to cure the deficiencies of the § 103(a) rejection over *Matsunaga* in view of *Pratt* as set forth above in subsection A. Therefore, this rejection is improper.

Accordingly, as the Examiner has failed to establish a *prima facie* case of obviousness, Applicants respectfully request this rejection be withdrawn.

E. *Matsunaga* in view of *Pratt* and further in view of *Rondeau*

The Examiner has also maintained the rejection of claim 49 under 35 U.S.C. § 103(a) as being unpatentable over *Matsunaga* in view of *Pratt* and further in view of U.S. Patent No. 6,436,153 to Rondeau et al. ("*Rondeau*") for the reasons of record. Final Office Action, page 2. Applicants respectfully disagree and traverse this rejection for the reasons of record and the following additional reason.

Rondeau is merely relied on for its teaching of the fluorescent compounds. *See id. Rondeau* does nothing to cure the deficiencies of the § 103(a) rejection over *Matsunaga* in view of *Pratt* as set forth above in subsection A. Therefore, this rejection is improper.

Accordingly, as the Examiner has failed to establish a *prima facie* case of obviousness, Applicants respectfully request this rejection be withdrawn.

III. Allowable Subject Matter

Applicants acknowledge, with appreciation, the indication of allowable subject matter in claims 17, 18, 45, 47, and 48, and note that such claims are objected to as

based on rejected parent claims. *See* Final Office Action, page 3. Despite the indication that they would be allowed if rewritten in independent form, Applicants have decided to keep these claims in dependent form for the reasons discussed above, e.g., that the rejections of claims 1-16, 19-44, 46, and 49-59 are improper and should be withdrawn. Accordingly, Applicants respectfully request this objection be withdrawn.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

If the Examiner believes a telephone conference would be useful in resolving any outstanding issues, he is invited to call Applicants' undersigned representative at (202) 408-4218.

If there is any fee due in connection with the filing of this response, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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Thalia V. Warnment, Reg No. 39,064

Dated: November 28, 2006

By: for Ningling Wang
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